

REMARKS

I. Priority

In paragraph 1 of the May 18th Office Action, the Examiner advised applicant that his claim for priority to parent application number 09/653,617 under 35 USC §120 is apparently defective because the present divisional application does not include a reference to the parent application.

Attached hereto as Exhibit A is a copy of the application data sheet that was filed with the present application, as well as a copy of the stamped postcard returned by the PTO showing receipt of this paper. Under the heading "Continuity Information," the application data sheet refers to the '617 parent application.

In case the original application data sheet has been misplaced by the PTO, applicant is also amending the specification of this application, as set forth above, to include a reference to his parent application.

II. Claim Objections

In paragraph 2 of the Office Action, the Examiner objected to applicant's Claims 1, 2, 5, and 7 because they include the characters "W", "L", and "V_{sheet}". A similar objection was made in the applicant's parent application, and in response thereto, applicant cancelled those characters from the claims of his parent application. By the above amendments, the same changes have been made to the claims of this application.

III. Section 102 Rejections

In paragraphs 4-6 of the Office Action, the Examiner rejected applicant's claims under 35 USC §102(b) based on Fancher U.S. Patent No. 2,538,901 (Claims 1-2, 4-7, and 9) or Gray U.S. Patent No. 4,140,258 (Claims 1, 3-6, and 8-9).

In connection with both the rejection based on Fancher and that based on Gray, the Examiner wrote:

It should be noted that the claims do not positive[ly] set forth that the sheet is continuously moving throughout the method steps. (5/18/05 Office Action at ¶5 and ¶6.)

Applicant believes that a person skilled in the art would interpret his claims as calling for a continuously moving sheet, especially in light of his specification. See Phillips v. AWH Corp., No. 03-1269, 03-1286, 2005 U.S. App. LEXIS 13954 (Fed. Cir. Jul. 12, 2005) (en banc). However, to expedite the prosecution of this application and solely for that purpose, applicant has amended independent Claims 1 and 5 to explicitly recite that the sheet is continuously moving during steps (a), (b), and (c).

The Fancher and Gray patents plainly have nothing to do with separating a pane of a brittle material from a continuously moving sheet of the material. Thus, the Fancher patent relates to a hand-operated glass trimming device of the type one might find in a hardware store, while the Gray patent relates to dividing a pane of wire-reinforced glass into sub-panes. Neither reference discloses or suggests a continuously moving sheet of material. Accordingly, applicant respectfully submits that the Examiner's rejections based on these references is unfounded and should be withdrawn.

In paragraphs 5 and 6 of the Office Action, the Examiner wrote:

[I]t is not clear from the phrase "within an area defined by the length and width of the to-be-separated pane" if the releasably engaging step includes engaging the to-be-separated pane portion or any portion of the moving sheet.

Again, applicant believes that it is clear from his claim language, as well as from his specification, that in step (a), the to-be-separated pane portion of the moving sheet is engaged. However, again for the purpose of expediting the prosecution of this application and for no other purpose or reason, subparagraph (a) of Claims 1 and 5 has been amended to make further explicit that the area which is releasably engaged "becomes the pane when separated from the sheet."

IV. Conclusion

In view of the foregoing, applicant believes that this application is now in condition for allowance. Accordingly, reconsideration and the issuance of a notice of allowance for the application are respectfully requested.

Respectfully submitted,

Date: 8/18/05

Maurice Klee

Maurice M. Klee, Ph.D.
Reg. No. 30,399
Attorney for Applicant
1951 Burr Street
Fairfield, CT 06824
(203) 255-1400